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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/526,750

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Thorsten Pferdekaemper

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EXAMINER

SANDERS, AARON J

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

12/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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|--|--|---|--|
| <p align="center"><b>Advisory Action</b><br/><b>Before the Filing of an Appeal Brief</b></p> | <p><b>Application No.</b><br/>10/526,750</p> | <p><b>Applicant(s)</b><br/>PFERDEKAEMPER ET AL.</p> |  |
|  | <p><b>Examiner</b><br/>AARON SANDERS</p>     | <p><b>Art Unit</b><br/>2168</p>                     |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 02 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 112.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-9, 11, 12 and 15-31.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Tim T. Vo/  
Supervisory Patent Examiner, Art Unit 2168

Continuation of 3(c): The amendment to claim 1 deleting the step of "displaying" causes the claim to be non-statutory under 35 U.S.C. 101. A process must have a practical application and (1) be tied to a particular machine or (2) transform a particular article into a different state. In re Comiskey, 499 F.3d 1365, 1376-77 (Fed. Cir. 2007); In re Bilski, \_\_\_ F.3d \_\_\_ (Fed. Cir. 2008). Here, a human could perform the steps of the method, thus it is not tied to a "particular" machine. Performing a read/write is not a transformation.

Continuation of 11. does NOT place the application in condition for allowance because:

As per Applicant's argument that Lenz does not teach "determining whether the ID is contained in a first lock object," the Examiner respectfully disagrees. Specifically, the Examiner cited Fig. 3 and col. 3, lines 1-10, "By using the search key '007' during the execution of the lock instruction, the part of the lock file containing the control field for record 007 is addressed for writing" where the claimed "first lock object" is the referenced "Lock-File" 3-1. In order for Lenz's method to address the part of the lock file containing the control field for record 007, it must determine whether "007" is in the lock file. Thus, Lenz also teaches conditioning access authorization on control field record 007 being contained in lock file 3-1.

As per Applicant's argument that Lenz does not teach "determining whether a link... is assigned to the ID," the Examiner did not cite Lenz as teaching the claimed limitation. Lakhamraju does, however, see Fig. 7 and col. 9, lines 40-45, "With the migrating object locked, each parent to that object is locked, one at a time, block 702, updated with the new location, block 703, and released, block 704," where the claimed "first lock object" is the referenced "parent" and the claimed "link" is the referenced "location." There are two copies of a locked object, the original and the migrated one. Parents of the object are linked to the migrated object. Thus, Lakhamraju teaches a "link to a second storage locations having a copy of the data object." Further, even if an object is always referenced, Lakhamraju must make a determination when reassigning links to the migrated object to avoid trying to move links multiple times.

Thus, the Final rejection mailed 3 October 2008 is maintained.